UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ROBERT L. WHITTAKER,)	
Plaintiff,)	
v.)	No. 4:21-CV-549 SRW
JEAN DOE #1, et al., Defendants.)	
)	

MEMORANDUM AND ORDER

Plaintiff moves for reconsideration of the denial of his motion for appointment of counsel.

After considering the motion and the pleadings, the Court will decline to appoint counsel at this time.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex. Although plaintiff believes that he will not be able to obtain "evidence" in this action without the assistance of counsel and an appointed investigator, this matter has not yet been reviewed pursuant to 28 U.S.C. § 1915A, nor

has discovery commenced.¹ As such, his insistence that he will need an outside investigator to obtain documents relevant to his case is premature.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration of the denial of appointment of counsel [ECF No. 9] is **DENIED** without prejudice.

Dated this 25th day of August, 2021.

/s/ Stephen R. Welby

STEPHEN R. WELBY UNITED STATES MAGISTRATE JUDGE

¹Plaintiff will have the opportunity during discovery to submit requests for production, pursuant to Federal Rule of Civil Procedure 34.